

AMENDED IN ASSEMBLY APRIL 22, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1234

Introduced by Assembly Member McCarty

February 27, 2015

An act to amend Section 12174 of the Government Code, relating to state archives.

LEGISLATIVE COUNSEL'S DIGEST

AB 1234, as amended, McCarty. State Archives: museum activities.

Existing law requires the Secretary of State to administer the State Archive Building Complex for the use, education, and enjoyment of the public. Existing law authorizes the Secretary of State to enter into an operating agreement with the Golden State Museum Public Benefit Corporation to operate a museum in the State Archives Building Complex.

This bill would provide that the purposes of that administration of the State Archive Building Complex also include uses to advance civic education and civic engagement by state residents. The bill would remove authorization for the corporation to support the operations and programs of the State Archives and would instead require that the operating agreement provide for integration of State Archives artifacts, collections, and programs in museum exhibits and programs. *The bill would require the operating agreement to provide for support by the Secretary of State. The bill would remove the Secretary of State and the Director of Parks and Recreation from their ex officio voting positions on the governing board of the corporation and instead make*

them and the State Archivist honorary nonvoting members of the board. The bill would also make technical changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12174 of the Government Code is
2 amended to read:

3 12174. (a) The Secretary of State shall administer, protect,
4 develop, and interpret the Secretary of State and State Archives
5 Building Complex located in Sacramento in the area bounded by
6 10th, 11th, O, and P Streets ~~as authorized by Section 12235~~ for
7 the use, education, and enjoyment of the public, including uses to
8 advance civic education and civic engagement by all Californians.

9 (b) The Secretary of State may enter into an operating agreement
10 with the Golden State Museum Public Benefit Corporation
11 (GSMPPBC), formerly known as the California Archives
12 Foundation, an existing California nonprofit public benefit
13 corporation, tax exempt under Section 501(c)(3) of the United
14 States Internal Revenue Code, or its successor. Under the operating
15 agreement with the Secretary of ~~State (including the State~~
16 ~~Archives)~~, *State*, the corporation shall operate a museum located
17 in the Secretary of State and State Archives Building Complex,
18 including development, administration, interpretation, and
19 management of the museum and related public services, and
20 acquiring and managing funding for the museum's programs and
21 services. The operating agreement shall provide for *support by the*
22 *Secretary of State, consistent with subdivision (a) and Section*
23 *12221, including* integration of State Archives artifacts, collections,
24 and programs in museum exhibits and programs.

25 (c) The governing board of the corporation shall ~~include the~~
26 ~~Secretary of State or any Assistant Secretary of State designated~~
27 ~~by the Secretary of State and the Director of Parks and Recreation~~
28 ~~or his or her designee as ex officio voting members of the board.~~
29 ~~The board shall~~ be the governing authority for operations funded
30 through moneys received by the museum. The board shall submit
31 an audit report annually to the Secretary of State. The Secretary
32 of State shall submit copies of the annual audit reports to the
33 Director of Finance, the Chair of the Joint Legislative Audit

1 Committee, and the Chair of the Joint Legislative Budget
2 Committee. No funds raised or assets acquired by the corporation
3 shall be used for purposes inconsistent with support of the museum
4 and the ~~State Archives~~. *operating agreement. The Secretary of*
5 *State, the State Archivist, and the Director of Parks and Recreation,*
6 *or their respective designees, shall be honorary nonvoting board*
7 *members.*

8 (d) No later than January 10 of each year, the corporation shall
9 submit the corporation business plan for the following fiscal year
10 to the Director of Finance and the Chair of the Joint Legislative
11 Budget Committee for review and comment. The executive director
12 of the corporation shall also submit, not less than 30 days prior to
13 adoption by the governing board of the corporation, any proposed
14 formal amendments to the corporation business plan to the Director
15 of Finance and the Chair of the Joint Legislative Budget Committee
16 for review and comment.

17 (e) Fees charged to members of the public for copying,
18 reproduction, and other services provided by the ~~State Archives~~
19 *Secretary of State* shall be at a level consistent with the costs of
20 providing these services. The Secretary of State may establish an
21 agreement with the corporation to provide these services and collect
22 moneys for providing these services.

23 (f) Notwithstanding any other provision of law, the GSMPBC,
24 or its successor, is a private nonprofit corporation and shall not be
25 considered a state, local, or other public body for any purpose.

26 (g) The Legislature encourages the governing board of the
27 corporation to conduct its meetings in an open manner, establish
28 a board membership that is representative and reflective of
29 California's rich history, and work cooperatively with the Secretary
30 of State to ensure public input, confidence, and accountability in
31 the museum's use of its resources and the protection of California's
32 priceless archives, collections, and artifacts.